

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: : Chapter 13
: :
ERICA ITZHAK, : Case No.: 24-10669
: :
Debtor. : Hon. Philip Bentley
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**ORDER MODIFYING THE AUTOMATIC STAY TO PERMIT CONTINUATION OF
POST JUDGMENT MOTION BY THE DEBTOR TO RENEW AND REARGUE AND
VACATE A JUDGMENT IN A STATE COURT ACTION**

Upon the motion (the “**Motion**”) dated May 30, 2024 [ECF Dkt. No. 19], of Erica Itzhak (the “**Debtor**”), by and through her attorneys, Tarter Krinsky & Drogin LLP, seeking the entry of an order pursuant to 11 U.S.C. § 362(d) granting relief from the automatic stay to permit the Debtor to prosecute a post-judgment motion seeking to renew and reargue (the “**Renewal and Reargument Motion**”) and vacate a prior judgment in an action entitled *Yossef Kahlon a/k/a Jossef Kahlon, and Atlas Solar Holdings, LLC v. Erica T. Yitzhak, et al.*, Index No. 601659/2016 (the “**State Court Action**”); and upon the limited opposition to the Motion filed by Yossef Kahlon (“**Kahlon**”) [ECF Dkt. No. 22]; and the matter having been noticed for a hearing before the Court on June 13, 2024; and it appearing based upon the declaration of service filed under ECF Dkt. No. 20 that proper notice of the Motion was given; and upon the record on the hearing held on June 13, 2024; and good cause for the relief sought having been shown; and the Court having determined the relief sought in the Motion is appropriate after due deliberation; it is hereby

ORDERED the Motion is granted to the extent provided herein; and it is further

ORDERED the automatic stay is hereby modified to permit the Debtor to proceed with her Renewal and Reargument Motion and to seek vacatur of the judgment in the State Court Action; and it is further

ORDERED the automatic stay is hereby modified to permit Kahlon to file any and all pleadings he deems necessary or appropriate to oppose the Debtor's Renewal and Reargument Motion and the Debtor's efforts seeking vacatur of the judgment; and it is further

ORDERED that other than permitting the Debtor to prosecute the Renewal and Reargument Motion and seek to vacate the judgment and to permit Kahlon to oppose such motion and for the state court to rule on the Renewal and Reargument Motion, the automatic stay remains in effect.

Dated: New York, New York
July 1, 2024

/s/ Philip Bentley
HONORABLE PHILIP BENTLEY
UNITED STATES BANKRUPTCY JUDGE